



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
Eriberto GONZALEZ-Ruiz,
Defendant.

Magistrate Case No.: 08MJ8157
COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about February 21, 2008, within the Southern District of California, defendant Eriberto GONZALEZ-Ruiz did knowingly and intentionally import approximately 29.10 kilograms (64.02 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22ND,
DAY OF FEBRUARY 2008.



PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.
3 Eriberto GONZALEZ-Ruiz

4 STATEMENT OF FACTS

5 This statement of facts is based on the reports, documents, and notes furnished
6 to US Immigration and Customs Enforcement Special Agent Reuben McDowell.

7 On February 21, 2008, at approximately 2245 hours, while conducting a pre-
8 primary operation at the Calexico, California, West Port of Entry a narcotic detector dog
9 alerted to a 2000 Chevrolet Impala bearing California license plate 4LMG081.
10 GONZALEZ-Ruiz was accompanied by Marilyn Garcia GONZALES and her baby.
11 Customs and Border Protection Officer (CBPO) Pelayo received a negative oral
12 Customs declaration from GONZALEZ.

13 During pre-primary inspection, Customs and Border Protection Office (CBPO)
14 Pelayo was conducting pre-primary inspection when CBPO Jones and his Narcotic
15 Detector Dog (NDD) screened the vehicle. The NDD alerted to the dashboard area of
16 the vehicle. CBPO Jones saw the upper dashboard vent covered through the inside
17 with black fabric material which is unusual for dash vents.

18 CBPO Pelayo escorted the vehicle and the occupants to the secondary
19 inspection area. A subsequent inspection by CBPO Pelayo revealed 31 packages
20 located in the dash of the vehicle. One of the packages was probed and a sample of a
21 green leafy substance was obtained, which field tested positive for marijuana. The 31
22 packages had a combined net weight of approximately 29.10 kilograms (64.02 pounds).

23 S/A McDowell placed GONZALEZ under arrest and advised him of his
24 Constitutional Rights, according to Miranda, which he acknowledged and waived,
25 agreeing to answer questions. GONZALEZ admitted knowledge of the marijuana found
26 in the vehicle. GONZALEZ stated he arranged the smuggling venture prior to traveling
27 to Mexico.

28 GONZALEZ-Ruiz exonerated Marilyn Garcia GONZALES. GONZALES denied
29 knowledge of the narcotics in the vehicle. GONZALES and her baby were
subsequently released.